

# HARRY THAW LOSES HIS CASE BEFORE FELKER PAPERS FOR EXTRADITION HONORED BY GOVERNOR

Action of New Hampshire's Governor Based on Indictment against Thaw.

HABEAS CORPUS PETITION

Now Brings the Case into the Federal Courts as Thaw's Final Resort.

(BY ASSOCIATED PRESS) CONCORD, N. H., Nov. 8.—Governor Felker today honored the requisition of the state of New York for the extradition of Harry K. Thaw. The case is now transferred automatically to the federal courts, where a writ of habeas corpus on behalf of Thaw is pending. The governor based his decision on the indictment returned against Thaw in New York county, which charged him with conspiracy to escape from the insane asylum at Matteawan, to which he was committed after his second trial for the killing of Stanford White.

Thaw made his sensational flight on August 17 and a few days later was arrested near Coaticook, Canada. Thaw's attorneys announced that they would immediately file an amendment to their petition for their writ of habeas corpus, application for which was made soon after Thaw was arrested in this state, following his deportation from Canada.

The original petition was based on the allegation that Thaw was indicted for conspiracy by the Dutchess county grand jury and it was suspended pending the governor's decision upon the matter of extradition. Because the extradition has now been granted on the strength of the New York county indictment it will be necessary to amend the petition accordingly.

Thaw was not present when Governor Felker announced his decision to the attorneys representing the fugitive and the state of New York at the capital. He will remain here in the custody of United States Marshal Nute and Sheriff Drew, pending the federal proceedings.

In granting the extradition, Governor Felker said in part: "By the petition of Governor Glynn and the accompanying papers it appears that the grand jury of the county of New York has duly returned in open court an indictment against Mr. Thaw. That is sufficient to warrant the arrest, arraignment and trial of the respondent if he may be found within the state, wherein the indictment is pending. It is furthermore sufficient to establish that Mr. Thaw is, if found in any state or country, while such indictment is pending, a fugitive from justice."

"The provision of the federal constitution and the acts of Congress enacted to give force and effect thereto as construed by the court of last resort, upon such matters limit me to the consideration of the question first, whether the person demanded has been substantially charged with a crime and second, whether he is a fugitive from justice. Such was the decision of the supreme court of the United States in the most recent case, wherein a sister state demanded of New Hampshire the interstate requisition of a person within her borders (Muney vs. Clough, 198 U. S. 372, decided in 1905). In that case it was decided by a unanimous court that the proceedings in matters of this kind before the governor are summary in their nature."

"The person demanded has no constitutional right to be heard before the governor on either question and the statute provides for none. To hold otherwise would in many cases render the constitutional provision as well as the statute passed to carry it out wholly useless."

"I have nevertheless owing to the urgency of the demands of his counsel, men in whose integrity I have confidence and whose opinions I entertain deep respect, given Mr. Thaw the fullest possible opportunity for the expression of their views. With profound respect, therefore, I am unable to view my duty in the premises as including an investigation of Mr. Thaw's mental condition or of the counsel for the state of New York or of the probable guilt or innocence of the accused."

"I have and I shall continue to assume that the courts of the state of New York do and will demonstrate full appreciation of the dictates of fair play and a righteousness and equal administration of justice."

The governor said that by the rules of practice in extradition cases, prepared by the interstate extradition conference in 1887, and adopted by the state, a prisoner in the position of Thaw was given such opportunity to sue out a writ of habeas corpus as is prescribed by the laws of this state or by the federal law.

The governor made public an opinion from Attorney General James P. Tuttle, advising him to grant the requisition on the grounds that "by this course any possibility of ultimate error is excluded and all constitutional rights of the individual and all constitutional obligations of the state quickly maintained."

At a conference of counsel, following the decision, it was agreed that Thaw should remain here in his present custody for a week, during which time his counsel will prepare the papers for the procedure in the United States court.

## TRIAL OF SULZER IS QUITE COSTLY

Big Bills Are Being Presented and a Big Appropriation Will Be Necessary.

(BY ASSOCIATED PRESS) ALBANY, N. Y., Nov. 8.—Bills for expenses incurred at the trial of former Governor Sulzer, not including counsel fees, already total \$50,000 more than the \$75,000 appropriated to cover the cost of the trial. A special bill for \$50,000 will be introduced in the assembly next week.

Practically all of the original appropriation was spent for salaries of members and employees of the court. Thus far, \$46,150 has been paid to senators and members of the board of managers and some money still is due them. One of the largest single items is for detectives. One New York agency head drew \$8,950 for himself and employees. His salary was \$25 a day and at times he had thirty detectives at \$8 a day. They traveled extensively and often in pairs.

Although members of the board of managers did not meet every day between August 30 and October 10, they received \$10 a day, including Saturday and Sunday throughout this time.

## EGGS ARE HIGH

Retail Price in the City of New York is Now Seventy-Five Cents a Dozen.

(BY ASSOCIATED PRESS) NEW YORK, Nov. 8.—Eggs are so scarce in New York that dealers have put the retail price up to seventy-five cents a dozen for the best quality and prospects are that they will go from three to five cents a dozen higher. The present wholesale price is sixty-two cents a dozen though certain brands of western eggs may be obtained for forty-three cents a dozen.

## SMALLPOX

To the Number of 100 Cases Are Reported from Newton in County of Ritchie.

(BY ASSOCIATED PRESS) CHARLESTON, Nov. 8.—Reports from Newton, Roane county, are to the effect that there are 100 cases of smallpox in that town and immediate vicinity. The epidemic is believed to have resulted from a single case, a young man, who returned home after having been exposed to smallpox. Details of the epidemic were today reported to the state board of health.

## SENATORS GIVE.

(BY ASSOCIATED PRESS) WASHINGTON, Nov. 8.—A subscription list for the purchase of a wedding present for Miss Jennie Wilson was circulated among senators today by Senator Martineau, of New Jersey. It was expected that about \$1,000 would be raised.

## MAYOR COLE NAMED.

Dr. O. W. Burdats, of Wheeling, president of the state association of Elks, today notified Mayor Will H. Cole that he had appointed the latter a member of the executive committee of the association.

## FALSE ALARM.

The fire department made a run to the Patton store in the West End Saturday afternoon but upon reaching the store found that the alarm was a false one and that there had been no fire.

## TWO LECTURES.

A colored veteran preacher is the Rev. Daniel Starton, of St. Albans, who is touring the state giving a course of lectures. He lectures tonight and Monday night at the Mt. Zion Baptist church, colored, on "Will It Pay" and "The Human Body."

## OPERATED ON.

Miss Hazel Dudley, of Farmington, who came here to see a Ben Hur performance, has been successfully operated on at a local hospital for appendicitis and her condition is quite satisfactory.

ent custody for a week, during which time his counsel will prepare the papers for the procedure in the United States court.

Thaw said he would make no comment upon the governor's decision and the probable future course of his case. His mother issued a statement in which she said the governor's decision was not a shock to her, although it was a disappointment.

## DESERTER

From United States Army Captured in Webster County Last Night.

Joseph Ware, a deserter from the United States army, for whom a reward of \$50 was offered by the military authorities, was captured last night near Sago, Webster county, by a constable of that section, and brought to this city today enroute to Columbus, O., where he will be turned over to the military authorities there.

Ware enlisted at the recruiting office in this city in 1911 and deserted several weeks ago. He admits the charge against him.

His home was near Sago, and it is stated that he was an old acquaintance of the constable, who made the arrest. The constable, hearing of Ware's desertion, arrested him as soon as he returned to his home. It was stated by the constable that it was necessary for him to call three other men to his aid. Ware was brought in this city today, tied with a rope. However, there was nothing in his manner that would suggest viciousness and he was quiet during the time he was in the office of the recruiting officer here.

## BEER PARTY

Proves Very Costly Affair for Four Meadowbrook Foreigners.

A beer party given by a number of Italians at an Italian boarding house at Meadowbrook a recent evening proved a costly affair to four members of the party, John Andrew and Frank Lis and John Stole. They had to pay fines of \$5 and costs each Friday evening in Justice Jackson V. Carter's court for breaking up the party and assaulting and beating Michael Blackeskye, the honor guest of the occasion.

The party was nearly over when the trouble began. John Lis and Blackeskye engaged in a fight and when Blackeskye got the best of the argument Lis's two brothers and Stole went to his rescue, giving Blackeskye a thorough beating. A peculiar part of the mixup was that no deadly weapons were used in the fight.

## PARTNERSHIP

Is Formed by Grafton Physician and Dr. G. R. Ogden, of Flemington.

Dr. G. R. Ogden, formerly of Clarksburg, who was a practicing physician for several years at Flemington, has formed a partnership with Dr. A. S. Warder at Grafton, and has gone there.

Dr. Ogden is a graduate of the University of Kentucky Medical College in Louisville and has had five years' experience since his graduation. He practiced in Clarksburg for a time and then went to Flemington, where he had large practice in that section of the county. Both members of the medical firm are very popular, are known to be highly skilled physicians, and there is no doubt that the partnership will prove a success.

## FOUND DEAD.

PARKERSBURG, Nov. 8.—Scollay Hardesty, a well known figure in the streets here for years, drank poison and died in an unoccupied building on Avery street. His dead body was found many hours afterwards.

## CHANGES ITS NAME.

MINNEHAHA SPRINGS, Nov. 8.—J. A. Viquesney was re-elected president, W. B. Rector secretary-treasurer and a vice president from each county of the state was chosen by the West Virginia Fish and Game Protective Association in its annual convention held here. The association also changed its name to the Forestry, Game and Fish Protective Association of West Virginia.

## GUARDIAN QUALIFIES.

George H. Gordon has qualified as guardian of Willa Near with bond at \$200 and R. Edward Kidd surety.

## REGULAR GRAND JURY.

The regular grand jury of the criminal court will meet here Tuesday.

## MAN'S BODY FOUND ON DUNKIN'S FARM

Is That of Otha Britton Who is Believed to Have Killed Himself Accidentally.

BRIDGEPORT, Nov. 8.—The body of Otha Britton, of Clarksburg, was found on the Dunkin farm near here by Ernest Ross late Friday evening. He had been shot through the intestines and it is thought he accidentally did the shooting, as the shotgun with which he had gone hunting in the morning lay broken by his side. The barking of the dog, Mr. Britton's only companion, attracted Mr. Ross to the scene.

Mr. Britton formerly resided here, and was known as a sober, industrious man, who will be greatly missed. He is survived by a young widow, mother, Mrs. Matilda Britton, and the following sisters: Mrs. Nathan Davis, Mrs. Claude Day and Mrs. Erskin Worth.

The funeral will be held from the Methodist Protestant church Sunday at 3 o'clock, and interment will follow in the Masonic cemetery.

## FALL FROM TRESTLE

Renders Young Man Unconscious But He Escapes with Slight Bruises.

Joseph Borden, a young man who fell from a trestle Friday night at the interurban trolley station, was discharged Saturday morning from St. Mary's hospital, to which place he was taken for treatment at the time of the accident. He suffered a bad shock and severe bruises, but luckily escaped serious injury. The fall rendered him unconscious for a while, but prompt medical treatment at the hospital brought him around all right.

## FAIRMONT

Independents and Scholastics Clash at Union Park Here Sunday Afternoon.

The Scholastics will meet the strong Fairmont Independents football team here at 3 o'clock Sunday afternoon. Fairmont has been down to hard practice during the last two weeks and is in the very best condition. Coach Temple says that his team will have little trouble defeating the Scholastics.

The Scholastics have been given a great shaking up since the Davis and Elkins game and a few new men will appear in the lineup. Among the new men will be "Tuler" Mulheran, who has been playing with the State Athletic Club of Wheeling. All the Scholastics are requested to take the 2:10 car for Union park.

## TUBERCULOSIS

Causes Death of John Lefeh, an Italian Coal Miner of New Chieftain Mine.

Funeral services over the body of John Lefeh, aged 36 years, an Italian coal miner, of New Chieftain, who died at his home here late Friday afternoon after an illness of tuberculosis, will be held at 3 o'clock Sunday afternoon at the church of the Holy Rosary here, and the burial will be in the Holy Cross cemetery. The funeral services will be in charge of the Slavish Society, of which the deceased man was a member. The deceased man is survived by a widow and five small children.

## RITCHIE COUNTY FARMER

Dies in Local Hospital after a Lingering Illness.

M. V. Stanley, aged 75 years, a well known retired farmer of Harpersville, Ritchie county, died in a local hospital at 8:30 o'clock Saturday morning after a lingering illness of stomach trouble. The body was taken to his home at Harpersville at 3:25 o'clock Saturday afternoon and the funeral services will be held there Sunday, J. D. Stanley, a son, was at his father's bedside when he passed away.

## KEATLEY IN WASHINGTON.

(SPECIAL TO THE TELEGRAM) WASHINGTON, D. C., Nov. 8.—Edwin M. Keatley, of Huntington, clerk of the United States court for the Southern district of West Virginia, is in Washington on business.

## JARVIS DETAINED.

(SPECIAL TO THE TELEGRAM) WASHINGTON, D. C., Nov. 8.—Major Melville Jarvis, of the United States army, formerly of Clarksburg, has been detained for service in the inspector general's department and will be stationed in Washington.

Nathan G. Stealey will go to Washington, D. C. Sunday morning where he will spend several days visiting friends and relatives.

## BIRD LAW

Recently Enacted by Congress is Declared Unconstitutional by Attorney General.

(BY ASSOCIATED PRESS) ALBANY, N. Y., Nov. 8.—The migratory bird law, recently enacted by Congress, was today declared unconstitutional by Attorney General Crampton, of New York state. "While I am in sympathy with the law," he said, "I am certain that the federal government has no right to assume control over a state's birds or game. The status as drawn by the national lawmakers is paternalistic in character."

The state conservation commission had requested an opinion from the attorney general.

## CAR CRASHES

Into a Store and Motorman is Killed and Twenty Persons Are Injured.

PITTSBURGH, Nov. 8.—William Ayres, motorman, was instantly killed and twenty persons injured this morning when a trolley car on the Verona-Oakmont and Hulton electric railway crashed into a grocery store of Robert Chegwiden at Laketon, Pa. The car ran away on a long grade and the motorman stuck to his post in a vain endeavor to stop it.

## AUTO ACCIDENT

Results in the Death of One Boy and Serious Injuries to Two Other Boys.

(BY ASSOCIATED PRESS) MONONGAHELA, Pa., Nov. 8.—Tony Robb, 13, was killed and two other boys were seriously injured late last night when an automobile truck crushed the boys against a stone crusher on the Pigeon creek road two miles from here. The boys were returning from an alderman's office, where they had just testified in a case.

## SHORT SESSION HELD.

Five drunks were the only offenders before Mayor Will H. Cole at the morning session of police court and the session was a short one. All the offenders were financially embarrassed and were put to work with pick and shovel and soon had a nice gravel walk from Traders alley to the police station.

## BAKED BODY

Of An Employee of a Telephone Company is Found By Stove in His Room.

(BY ASSOCIATED PRESS) WILLIAMSON, Nov. 8.—Erastus Allen, employed by the telephone company here, was found dead in his room this morning, his half baked body lying on the floor near a stove. The police believe the man was asphyxiated and in falling, he dropped near the stove.

## MAN MURDERED

On the Doorstep of His Home by Three Men Who Stab Him through Heart.

(BY ASSOCIATED PRESS) ROCK ISLAND, Ill., Nov. 8.—John B. Seohessel, aged 51, foreman of the machine shops at the Rock Island government arsenal, was murdered on the doorstep of his home in this city last night while returning from practicing with a church choir, of which he was a member. He was accosted by three men at his gate and was stabbed through the heart. His assailants escaped. There is no motive known.

## CHILTON RECOMMENDS.

(SPECIAL TO THE TELEGRAM) WASHINGTON, Nov. 8.—Senator Chilton has recommended for appointment as postmasters: John P. Hoxey, at Centalla, Braxton county; J. R. Cunningham at Belle Grove, Jackson county; and Blackburn Sturgell at Rapp, Mingo county.

## FINED FOR ASSAULTING BOY.

Roy Snider was fined \$10 and costs by Mayor E. Frank Findley, of Broad Oaks, at a trial Friday evening for assaulting Coy Hacker, a sixteen-year-old boy of that suburb. Snider paid the fine and costs and was released.

## MARRIAGE LICENSES.

Marriage licenses have been issued to Charles H. Henderson and Clara A. Brown and Harry E. Shaffer and Gertrude V. Craig.

## DEADLOCK STILL ON WITH SENATE

### TRIALS SET

In the Criminal Court and Confessions Made by Three Accused Persons.

Criminal court trials were set Saturday as follows:

November 17—John Bush and Edward Brown, alias Twille. November 18—James Schoenberger and Luther Banks and Mike Schmidt and Danly Messerwee. November 19—Robert Banks and Emmett White and Oscar Carroll. November 20—John Doe, alias Christmas, and Pearson Foranah. November 21—Garrett Gilbert and Darius Ice. November 24—Curtis Swiger, Mary Swiger and Anna Bean. November 25—George W. Crawford.

December 2—Tilden Welch. December 3—Andy Komornickiey and James B. Ice. December 4—Frank Buccafurno. December 5—Maggie Johnson. December 6—Dora Gay Davis.

Joe Bell and Freeman Kelley confessed to an attempt to commit burglary and were fined \$50 and costs each and sentenced to the roads twelve months.

William Hart confessed to giving beer to Garrett Hull, a minor, and he was fined \$20 and costs.

## NEW KING

Of Bavaria Takes Oath in the Throne Room with a Very Simple Formula.

(BY ASSOCIATED PRESS) MUNICH, Bavaria, Nov. 8.—Ludwig III, the new king of Bavaria, who replaces the mad king, Otto, took the oath today in the throne room of the palace with the simple formula prescribed by the Bavarian constitution. "I swear to rule according to the constitution and the imperial laws, to help God, and his holy scriptures." The new king had previously delivered a short speech, giving his pledge to devote himself to co-operation with the Bavarian parliament in furthering the cultural and economic progress of Bavaria.

## PRINCE'S AUTO

Knocks a Little Girl Down and She Dies Later in a Pottsdam Hospital.

(BY ASSOCIATED PRESS) POTTS DAM, Germany, Nov. 8.—A four year old girl, knocked down by an automobile in which Prince Frederick Leopold of Prussia, was driving near here today, died after the prince had conveyed her to a hospital. The child started across the street in front of the motor car too late for the driver to avoid her.

## WARRANT IS DISMISSED.

A warrant against Dominick Ferrazi charging him with hunting without a license on Charles Stout's farm near Lost Creek has been dismissed in Magistrate T. G. Nicewarner's court, it having been shown that the defendant had already been fined for the same offense by another justice.

## IN CRITICAL CONDITION.

The condition of Herby L. Stemple, the lumberman who had his skull fractured Thursday morning at his stove mill between Sedalia and Wallace continues in a critical condition at St. Mary's hospital, whether he was taken the night of the accident. Attending physicians are unable to tell as yet whether he will recover.

## INSTRUCTING NURSES.

Mrs. J. M. Ogden, of Chesapeake City, Md., a graduate of Drexel Institute, Philadelphia, has arrived in the city and will give the nurse at St. Mary's hospital a course in dietetics. Mrs. Ogden expects to spend about three months here.

## CLARK FUNERAL.

Funeral services over the body of Perry Clark, a local negro who died Friday morning, will be held at 2 o'clock Sunday afternoon at the home of his daughter, Mrs. Esther Edwards, on Ferry street. The Rev. Mr. Kenney will have charge of the services and the burial will be in the Greenlawn cemetery.

## NEW BANK.

(SPECIAL TO THE TELEGRAM) WASHINGTON, Nov. 8.—The comptroller of the currency has approved the application for permission to organize the First National Bank of Albright, W. Va. The capital is to be \$25,000, while the organizers are Herbert H. White, of Terra Alta; N. E. Walls, W. C. Albright, S. T. Steele, E. E. Watson and John W. Freedland.

Banking Committee Today over Currency Bill of the Wilson Administration.

CONFERENCE IS SOUGHT Senator Hitchcock Votes with Republicans against Resolution Offered.

(BY ASSOCIATED PRESS) WASHINGTON, Nov. 8.—The deadlock over the administration currency bill in the Senate banking committee continued today and the administration supporters, by a tie vote of six to six, failed to carry a proposal to increase the number of regional reserve banks.

Senator O'Gorman proposed a resolution to allow the federal reserve board to fix the number of banks at not less than four nor more than eight. The lineup again showed a deadlock. Senator O'Gorman and Reed voted with the Democrats, but Senator Hitchcock continued with the Republicans.

The petition for a Democratic conference to discuss the currency bill was signed by a number of senators today when it became known that the committee was deadlocked.

## DISTRICT MEETING

Of Officials and Agents of the Metropolitan Life Insurance Company is Held.

A meeting of the agents and assistant superintendents of the Metropolitan Life Insurance Company for the Clarksburg district was held here Saturday to wind up the year's business and celebrate the largest increase in business the district has yet had. Those present were J. H. Stephenson, superintendent, and 25. A. Rider, assistant superintendent and agents, S. O. Felster, W. V. Matheny, R. O. Cook, E. H. Gabriel, A. Vickerstaff, H. O. Jenkins, O. D. Somerville and Frank Southworth, all of this city; O. J. Morrison, of Weston; George Hurling, assistant at Fairmont; F. L. East, F. H. Chippie, R. C. Kearns and C. O. West, all of Fairmont; M. H. Adair, G. E. Bennett, O. B. Bean, E. T. Powell and D. E. Faust, all of Grafton; J. P. Reynolds, G. S. Fullerton, L. C. Swiger, L. G. Brand and C. W. Wood, all of Morgantown.

## UNFAIRNESS

On Part of Government in Preparing Case against Fruit Lands Co. Charged.

(BY ASSOCIATED PRESS) KANSAS CITY, Nov. 8.—Sensational charges alleging unfairness on the part of representatives of the United States department of justice in preparing a case against the Florida Fruit Lands Company, pending before the federal grand jury here, were contained in a petition filed in the federal district court today by Herbert S. Hadley, former governor of Missouri, the attorney representing the company.

## RIGGLEMAN INSPECTOR.

CHARLESTON, Nov. 8.—Earl A. Henry, chief of the state department of mines, has appointed W. B. Riggleman, of Thomas, as inspector for the first district, with headquarters at Fairmont to succeed Karl F. Schoew of Fairmont, who resigned.

## HARVEY NAMED.

Simms Powell, recently appointed postmaster of Parkersburg, has resigned as jury commissioner of the United States district court for the Northern district of West Virginia and Judge A. J. Dayton has appointed Charles P. Harvey, of Parkersburg, as his successor.

## PAYING TAXES.

The sheriff's office was crowded all day Saturday with people paying taxes.

## CORN SHOW DATE.

Saturday, December 6, was set Saturday by the executive committee of the Harrison County Boys' and Girls' Corn Club as the date for the next annual corn show here.

Mrs. Bernard M. Flaherty and sons, Bernard and William, returned to their home at Sawyersville, Ill., Saturday morning after spending several weeks here visiting friends and relatives.

## PAY DAY.

The several window glass factories here paid their several hundred employees Saturday for the week's work and trade conditions this evening and night will be greatly stimulated as a result.